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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,164	12/17/2001	Michael Wayne Brown	AUS920010836US1	3969

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EXAMINER

UBILES, MARIE C

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 07/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/022,164

Applicant(s)

BROWN ET AL.

Examiner

Marie C. Ubiles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-71 is/are rejected.
- 7) ☒ Claim(s) 50-75 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 50-75 have been renumbered 46-71.

2. Claim 6 is objected to because of the following informalities: a period is missing at the end of the sentence. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4, 14, 16-17, 26, 29, 39, 41, 51, 54 and 69 are rejected under 35 U.S.C. 102(b) as being anticipated by Newman et al. (US 5,946,654).

As for claim 1, Newman et al. disclose a voice messaging system (i.e. a method for determining a call backup)(See *Description, Col. 8, lines 34-35*), in which a speaker

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identification system is implemented to work with the aforementioned voice messaging system in order to provide the user with the likely identity (i.e. context) of a person (i.e. *caller*) who has left messages for the user or *callee* (i.e. detecting a context for a call from a caller to an intended callee)(See *Description, Col. 8, lines 36-40*), the user may configure a controller of the system to call the user's home telephone, portable telephone, pager, etc. (i.e. backup party) when a message is received from a particular person –for example a supervisor or an important customer (i.e. automatically selecting at least one backup party from among a plurality of backup parties to said intended party according to said context of said call)(See *Description, Col. 8, lines 40-44*).

As for claim 4, Newman et al. discloses that the controller (i.e. context inference service – in combination with the 'speaker identification system 100') (and as may be appreciated in Fig. 9 – the rest of the equipment) is connected to the public telephone network through a suitable connection (i.e. detecting a context for said call at a context inference service executing outside a trusted telephone network handling a call)(See *Description, Col. 8, lines 44-46*).

Claim 14 can be read on "a message is received from a particular person".

As for claim 17, it can be read on the use of "a pager" disclosed by Newman et al.

Claim 16 could be read on the caller listening to the message left by calling party on his or her *voice messaging system 900*.

Claim 26 is rejected for the same reasons as claims 1 and 4.

Claims 29, 54 and 69 are rejected for the same reasons as claim 4.

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Claim 39 is rejected for the same reasons as claim 14.

Claim 41 is rejected for the same reasons as claim 16.

Claim 55 is rejected for the same reasons as claim 1.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-3, 5-8, 19-33, 44-66, 68 and 70-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hou et al. (EP 0585004) in view of Slusky (US 5,487,111).

As for claims 1-2 and 19-21, Hou et al. discloses a system in which a subscriber may place a call to a particular location (e.g. home) based on the use of a voice

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identified label (i.e. context) that is associated with subscriber's telephone number (i.e. detecting a context for a call from a caller to an intended callee)(See *Description, Col. 4, lines 6-25*).

It can be seen that Hou et al. lacks the limitation specifying "automatically selecting at least one backup party from among a plurality of backup parties to said intended party according to said context of call".

Slusky teaches a method for use in a telecommunications system in which a call sequencing facility allows a caller who is trying to reach a called subscriber to be routed to each of a sequence of telephone numbers specified by the subscriber (See Abstract, lines 1-4).

Further, Slusky teaches the manner in which the billing for the service is to be performed (i.e. sharing payment for telephone service costs for said call between said intended callee and said at least one backup party, and transferring a payment from said intended callee to said at least one backup party) (See *Description, Col. 7, lines 59-64 and Fig. 5, Steps 528-530*) and give the user to option to keep transferring the call to another number or leave a message when the list of numbers are exhausted (i.e. receiving a request for a selection of at least one backup party; facilitating transfer of said call to a messaging service, wherein said messaging service provides said caller with a plurality of options comprising at least one from among leaving a message and selecting to transfer to another backup party)(See *Fig. 8, Steps 702-708*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify Hou's et al. system by adding the sequence calling

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feature as taught by Slusky, and thus in this manner provide the called subscriber with alternate means to be reached if the person is not available on the main line called.

Also as taught by Slusky, the sequence calling feature may be modified to charge the call to either the calling or called party and to offer the calling party with means to keep transferring the call or to either go to voice messaging service.

As for claim 3, Hou et al. discloses the process is performed at system 100, which comprises –among various equipment- a switch 10 (i.e. detecting a context for said call at a context inference service within a trusted telephone network handling said call)(See *Description, Col. 3, lines 10-36*).

As for claim 6, it is well in the art that system and methods exist for allowing a call to be automatically transferred, this can be read for example, on a automated call center in which a call is transferred to an operator after detecting an erroneous input by the caller.

As for claim 22, the limitation “said intended callee is an individual different from a line subscriber...” may be read for example on a communication forwarded from an unanswered elderly person telephone number to the telephone of a relative or close neighbor. Such features are well know in the art (*See, for example, Harlow et al. US 5,206,901*).

As for claim 23, the limitation “said intended callee is a line subscriber...” reads into the process of “callin[ing] Dad” as disclosed by Hou et al.

As for claims 24 and 25, the limitations "a profile for said intended callee" and "identity of said identity callee" may be read on Hou's et al. disclosure of dialing "Dad's number" by associating the "dad" tag with a number on a database related with the aforementioned tag.

Claims 5 and 7-8 are rejected for the same reasons as claim 1.

Claim 62 is rejected for the same reasons as claims 1 and 6.

Claims 70-71 are rejected for the same reasons as claims 1-2.

Claims 26-33 and 44-50 are rejected for the same reasons as claims 1-3, 5-8 and 19-25, respectively.

Claims 51-61 are rejected for the same reasons as claims 1-3, 5-8 and 19-21, respectively.

Claims 63-65 are rejected for the same reasons as claim 7.

Claim 66 is rejected for the same reasons as claim 14.

Claim 68 is rejected for the same reasons as claim 3.

7. Claims 9-13, 15-18, 34-40, 41-43 and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hou et al. (EP 0585004) in view of Slusky (US 5,487,111), as applied to claims 1-3, 5-8, 19-33, 44-66, 68 and 70-71 above, and further in view of Kung et al. (US 6,373,817).

The combination of Hou et al. and Slusky teaches the system as claimed, except for "at least one backup party provides backup for a subject matter/ event/ time period/

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location/ type of device...in said call context" and "at least one backup party comprises a business entity".

Kung et al. teaches a "chase-me system" in which a call message may be routed by the user predetermining a prescribed date and time, an event and a schedule, data rate, and alternative network locations and terminal configurations (*See Abstract and Description, Col. 10, lines 55-63, Col. 13, lines 7-13, Col. 30, lines 52-59, Col. 35, line 19- Col. 36, line 4*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the combination of Hou et al. and Slusky and thus in this manner provide a system that will perform a communication contact with a called party based on a subject matter (i.e. Christmas), event (i.e. Mom's Birthday), time period, location and wherein the backup party comprises a business entity (reads on "business meeting").

The limitation specifying, "type of device utilized by said caller" may be read on the user's ability to "leave a message or type-in a chat note"; as taught by Kung et al. It would have been obvious to one of ordinary skill in the art that in order to send the "type-in chat note" to the backup party, the system will know what kind of device the calling party is utilizing. The "instant messaging service" limitation may be read on the "type-in chat note" too.

As per the limitation specifying "location of said caller", it can be read on well known features in which a call is forwarded or transferred to another party based on the calling ANI or ALI information.

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Claims 34-40 and 41-43 are rejected for the same reasons as claims 9-13 and 15-18 respectively.

Claim 67 is rejected for the same reasons as claims 16-18.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ng et al. (US 6,529,585) teaches a voice label processing apparatus and method.

Sbisa et al. (US 2002/0090074) teaches a method and system for handling calls in a communications network.

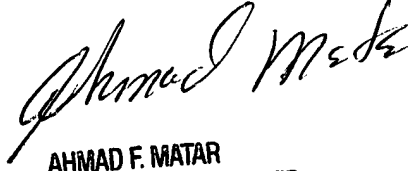
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie C. Ubiles whose telephone number is (703) 305-0684. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marie C. Ubiles
June 17, 2004.


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